

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN CROCKER,
Plaintiff,
v.
COUNTY OF AMADOR, et al.,
Defendants.

No. 2:22-cv-1924 DJC AC PS

ORDER

Plaintiff is proceeding in this action in pro per and in forma pauperis. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On August 9, 2023, the Magistrate Judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. (ECF No. 27.) Plaintiff has filed objections to the findings and recommendations. (ECF No. 28.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 9, 2023, are adopted in full;

2. Defendants' motion to dismiss at ECF No. 10 is GRANTED;

3. Plaintiff is granted thirty days from the date of service of this order to file an amended complaint with respect to Claim One (Fourth Amendment excessive force, 42 U.S.C. § 1983) and Claim Seven (*Moneil* claim) that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint must bear the docket number assigned this case and must be labeled "First Amended Complaint." Failure to file an amended complaint in accordance with this Order may result in this action being dismissed.

4. Claims Two through Six are DISMISSED with prejudice.

5. This case is referred back to the assigned Magistrate Judge for all further pre-trial proceedings.

IT IS SO ORDERED.

Dated: September 27, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE